

*Electronically Filed on  
January 30, 2007*

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Attorneys for Fertitta Enterprises, Inc.,  
and designated Nevada counsel for Estate of Tabas

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

USA SECURITIES, LLC,  
Debtor.

Affects:

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

Chapter 11

**NOTICE THAT JONES VARGAS  
DOES NOT INTEND TO TAKE A  
2004 EXAMINATION OF PERSON  
MOST KNOWLEDGEABLE AT  
COLT GATEWAY, LLC, IN LAS  
VEGAS  
(Affects USA CM ONLY)**

PLEASE TAKE NOTICE that a 2004 Examination Order for examining the Person Most Knowledgeable at Colt Gateway, LLC, in Las Vegas was inadvertently uploaded. Although no motion nor application for a 2004 examination order regarding Colt Gateway, LLC, was ever filed, the order was entered on the docket on January 29, 2007. Please disregard that order.

DATED: January 30, 2007.

JONES VARGAS

//s/ Janet L. Chubb  
JANET L. CHUBB, ESQ.  
LOUIS M. BUBALA III, ESQ.

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**CERTIFICATE OF SERVICE**

1. On January 30, 2007, I served the following document(s):

**NOTICE THAT JONES VARGAS DOES NOT INTEND TO TAKE A 2004  
EXAMINATION OF PERSON MOST KNOWLEDGEABLE AT  
COLT GATEWAY, LLC, IN LAS VEGAS  
(Affects USA CM ONLY)**

2. I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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■ b. **United States mail, postage fully prepaid** (list persons and addresses):

THOMAS J. ALLISON  
USA COMMERCIAL MORTGAGE ET AL.  
4484 SOUTH PECOS ROAD  
LAS VEGAS, NV 89121

● c. **Personal Service** (list persons and addresses):

I personally delivered the document(s) to the persons at these addresses:

● For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

● For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

■ d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

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fmerola@stutman.com; ekarasik@stutman.com; cpajak@stutman.com

**Marc A. Levinson & Lynn Trinka Ernce**  
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**Nevada Mortgage Lending Division**  
**Attn: Susan Eckhardt**  
seckhardt@mld.nv.gov

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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**9 e. By fax transmission** (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

**9 f. By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed blow and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

**I declare under penalty of perjury that the foregoing is true and correct.**

DATED this 30<sup>th</sup> day of January, 2007.

J. Englehart & Tawney Waldo  
Name

//s// Tawney Waldo & J. Englehart  
Signature